



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,959	03/21/2000	Atsushi Mizutome	35.C14358	6913

5514 7590 06/29/2004

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

CHUNG, JASON J

ART UNIT PAPER NUMBER

2611

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/531,959

Applicant(s)

MIZUTOME ET AL.

Examiner

Jason J. Chung

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39, 45-59 and 65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39, 45-59 and 65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to the independent claim have been considered but are moot in view of the new ground(s) of rejection. The examiner applies the same prior reference but uses a different passage of the reference to meet the newly added limitation in the amended independent claim.

Applicant's arguments filed 4/29/04 have been fully considered but they are not persuasive. The applicant states on page 10 of the response that the present invention eliminates redundant display of information. The examiner respectfully disagrees with this assertion. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., eliminating redundant information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argues on pages 11-12 of the response that the presently claimed invention is different from Klosterman since Klosterman fails to disclose designating desired program information from the first program information data and the second program information data and integrating the first program information data and the second program information data, based on the desired program information. The examiner respectfully disagrees with this assertion. Klosterman (US Patent # 5,550,576) discloses the integrated guide has two of the same channels such as ABC from different sources (e.g. cable and DBS) and the user can determine whether to have one of the channels, both of the same channels, or none of the same

Art Unit: 2611

channels and the user's choice is entered into the coordinator 20 via remote control 32 (column 6, lines 34-56), which meets the limitation on designation means for designating desired program information from the first program information data and the second program information data entered by the input means. When the user decides to what channels to keep, they designate the desired program information from a first program information data and from the second program information data and the first and second data are integrated and displayed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 39, 45-50, 52-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Klosterman (US Patent # 5,550,576).

Regarding claim 39, Klosterman discloses the coordinator inputs guide information and programming that is received (column 5; lines 13-26), which meets the limitation on reception means for receiving a television signal.

Klosterman discloses the grid guide can display programs from multiple sources where a user can have both channels of the same network displayed in the grid guide (column 6, lines 39-48, abstract). Klosterman discloses the television schedule guide information is received from multiple sources (column 5, lines 13-26, abstract), which meets the limitation on input means for

Art Unit: 2611

entering first program information data and second program information data which indicate information relating to a same program.

Klosterman discloses the guide information is received from multiple sources (column 6, lines 34-56). Klosterman discloses a merged television guide is created that identifies channels on multiple sources (column 3, lines 27-46). Klosterman discloses the grid guide can display programs from multiple sources where a user can have both channels of the same network displayed in the grid guide (column 6, lines 39-48, abstract). Klosterman discloses the user can distinguish between the sources by having the different sources be in different colors in the grid guide (column 7, lines 1-18). Klosterman discloses the integrated guide has two of the same channels such as ABC from different sources (e.g. cable and DBS) and the user can determine whether to have one of the channels, both of the same channels, or none of the same channels and the user's choice is entered into coordinator via remote control 32 (column 6, lines 34-56), which meets the limitation on designation means for designating desired program information from the first program information data and the second program information data entered by the input means and integration means for integrating the first program information data and second program information data entered by the input means based on the desired program information designated by the designation means and display means for displaying the first program information data and the second program information data integrated by the integration means. When the user decides to what channels to keep, they designate the desired program information from a first program information data and from the second program information data and the first and second data are integrated and displayed.

Regarding claims 45-46, as previously disclosed, Klosterman discloses programs from different sources are displayed with identifiers of different colors or source identifiers may be added (column 7, lines 1-18); the guide displays first program information from one source and second program information from another source. Klosterman discloses the remote control can be used to obtain additional information about the show that includes a brief description of a story may be placed in the grid guide (column 7, lines 19-38), which meets the limitation on the second program information data indicating the detailed information of the program and the second program information data include at least a text explaining the outline of the program. The claim is worded such that only one of the limitations after the phrase "at least one of" must be met.

Regarding claim 47, Klosterman discloses the guide information is received from multiple sources (column 6, lines 34-56). Klosterman discloses a merged television guide is created that identifies channels on multiple sources (column 3, lines 27-46). Klosterman discloses the grid guide can display programs from multiple sources where a user can have both channels of the same network displayed in the grid guide (column 6, lines 39-48, abstract). Klosterman discloses the user can distinguish between the sources by having the different sources be in different colors in the grid guide (column 7, lines 1-18). Klosterman discloses the integrated guide has two of the same channels such as ABC from different sources (e.g. cable and DBS) and the user can determine whether to have one of the channels, both of the same channels, or none of the same channels and the user's choice is entered into coordinator via remote control 32 (column 6, lines 34-56), which meets the limitation on instruction means for instructing an integrating operation by the integration means and input control means for

Art Unit: 2611

controlling the input means in such a manner as to enter the second program information data in response to the instruction by the instruction means. When the user decides to add the program information from the second source, the instruction means instructs to enter the programs from the second source.

Regarding claim 48, the examiner broadly interprets 'range' as being the number of programs the user decides to have on the integrated program guide. Klosterman discloses the guide information is received from multiple sources (column 6, lines 34-56). Klosterman discloses a merged television guide is created that identifies channels on multiple sources (column 3, lines 27-46). Klosterman discloses the grid guide can display programs from multiple sources where a user can have both channels of the same network displayed in the grid guide (column 6, lines 39-48, abstract). Klosterman discloses the user can distinguish between the sources by having the different sources be in different colors in the grid guide (column 7, lines 1-18). Klosterman discloses the integrated guide has two of the same channels such as ABC from different sources (e.g. cable and DBS) and the user can determine whether to have one of the channels, both of the same channels, or none of the same channels and the user's choice is entered into coordinator via remote control 32 (column 6, lines 34-56), which meets the limitation for setting means for setting a range of integrating operation by the integration means and the input control means is adapted to control input means in such a manner as to enter the second program information data corresponding to the range set by the setting means.

Regarding claim 49, the examiner broadly interprets 'range' as being the number of programs from each of the respective sources the user decides to have on the integrated program guide. Klosterman discloses the guide information is received from multiple sources (column 6,

lines 34-56). Klosterman discloses a merged television guide is created that identifies channels on multiple sources (column 3, lines 27-46). Klosterman discloses the grid guide can display programs from multiple sources where a user can have both channels of the same network displayed in the grid guide (column 6, lines 39-48, abstract). Klosterman discloses the user can distinguish between the sources by having the different sources be in different colors in the grid guide (column 7, lines 1-18). Klosterman discloses the integrated guide has two of the same channels such as ABC from different sources (e.g. cable and DBS) and the user can determine whether to have one of the channels, both of the same channels, or none of the same channels and the user's choice is entered into coordinator via remote control 32 (column 6, lines 34-56), which meets the limitation on instructing means for instructing an integration operation by the integration means and setting means for setting a range of the integrating operation by the integration means and the integration means is adapted to integrate the first program information data and the second program information data corresponding to the range set by the setting means.

Regarding claim 50, Klosterman discloses the user can search the program guide by the name of the movie or a show and display the movie in all the available sources on an integrated guide (column 5, line 39-column 6, line 30), which meets the limitation on setting at least one of a program. The claim is worded to state, "at least one of" which means only one limitation must be met.

Regarding claim 52, Klosterman discloses the user displays the grid guide by pressing the guide button on the remote and the guide will display the channel that was currently being shown. As previously disclosed in claim 39 rejection, Klosterman discloses the guide displays



Art Unit: 2611

programs from different sources in an integrated display, which meets the limitation on first program information data and second program information data relating to a currently observed program.

Regarding claim 53, the limitations in claim 53 have been met in claim 47-49 rejections.

Regarding claim 54, Klosterman discloses the user can search the program guide by the name of the movie or a show and display the movie in all the available sources on an integrated guide (column 5, line 39-column 6, line 30), which meets the limitation on designating at least one of a program. The claim is worded to state, "at least one of" which means only one limitation must be met.

Regarding claim 55, the limitations in claim 55 have been met in claim 47-49 rejections.

Regarding claim 56, the examiner broadly interprets 'range' as being the number of programs from each of the respective sources the user decides to have on the integrated program guide. Klosterman discloses the guide information is received from multiple sources (column 6, lines 34-56). Klosterman discloses a merged television guide is created that identifies channels on multiple sources (column 3, lines 27-46). Klosterman discloses the grid guide can display programs from multiple sources where a user can have both channels of the same network displayed in the grid guide (column 6, lines 39-48, abstract). Klosterman discloses the user can distinguish between the sources by having the different sources be in different colors in the grid guide (column 7, lines 1-18). Klosterman discloses the integrated guide has two of the same channels such as ABC from different sources (e.g. cable and DBS) and the user can determine whether to have one of the channels, both of the same channels, or none of the same channels and the user's choice is entered into coordinator via remote control 32 (column 6, lines 34-56);

Art Unit: 2611

thus the user can add programs from either/both of the sources to the display and make the display of programs larger, which meets the limitation on the integration means adapted to expand a display frame for displaying the information relating the first program information data and corresponding to the range designated by the designation means, and to integrate the first program information data and the second program information data in such a manner as to display program information integrating the first and second program information data in the expanded display frame

Regarding claim 57, Klosterman discloses in claim 39 rejection that the program guide contains programs from multiple sources. Klosterman discloses the user can display additional information about a show that includes a short description and the information can be displayed in an information window at the top or bottom of the screen (column 7, lines 19-38); the user can select information to be displayed from a second source, which meets the limitation on extract detailed information from the second program information data and integrate the detailed information with the first program information data.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Yoshinbo (US Patent # 5,686,954).

Regarding claim 51, Klosterman fails to disclose a program guide displaying a program guide in a time zone closest to the current time. Yoshinbo discloses the user can display the program guide in a certain time zone (column 21, lines 43-54), which meets the limitation on a time zone close to the current time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to have the program guide displayed in a time zone close to the current time as taught by Yoshinbo in order to prevent the user from accidentally recording the program during a different time because of confusion from time zones.

3. Claims 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Schein (US Patent # 5,801,787).

Regarding claims 58-59, Klosterman fails to disclose a search condition. The examiner takes a broader read of first information data. Schein meets the limitation of the first information data by showing the movie "Gone With the Wind" and the user can press the when else button (figure 2) and display the first program information which is the original information of "Gone With the Wind" and any additional showings of "Gone With the Wind" on different sources (column 5, line 55-column 6, line 30); the additional showings as a result of the search reads on second program information that is on different sources is integrated with the first program information. Schein discloses a user can search for a show by pressing a when-else button and be shown a particular movie on a guide and even when there are multiple sources such as DSS and a conventional antenna signal (column 5, line 55-column 6, line 30). Schein discloses the search function is used to notify the user when all occurrences of a program is shown at future times so the system can automatically record the program, automatically tune to the program, or so the user is aware of the future showing (column 5, lines 39-54). It would have been obvious

Art Unit: 2611

to one of ordinary skill in the art at the time the invention was made to modify Klosterman to have the system search according to a set range as taught by Schein in order to allow the system to automatically record the program, automatically tune to the program, or so the user is aware of the future showing.

4. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman.

Regarding claim 65, Klosterman discloses the coordinator inputs guide information and programming that is received (column 5, lines 13-26). Klosterman discloses the coordinator collects and sorts all the available program guide information (column 6, lines 17-22).

Klosterman discloses the source identifiers are transmitted with the source (column 7, lines 1-18); the disclosure applies to all embodiments, which means program information is transmitted with the programs on different frequencies depending on the sources. Klosterman discloses the program guide information is provided by the source of the programming such as by twisted pair and by the VBI on an available television channel (column 4, line 63-column 5, line 12).

Klosterman fails to disclose the first program information data and the second program information data are input by a same broadcast system. The examiner takes Official Notice that superimposing a signal on top of another signal is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to superimpose one signal on top of another in order to transmit two different pieces of information at one time instead of possibly having to transmit at two different times.

### ***Conclusion***

Art Unit: 2611

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC



VIVEK SRIVASTAVA  
PRIMARY EXAMINER